UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,522	06/06/2001	Rangaprasad Govindarajan	27066.0110	6940

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EXAMINER
COLLINS, SCOTT M

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/875,522	GOVINDARAJAN ET AL.
	Examiner	Art Unit
	Scott M. Collins	2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 June 2001</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 02|03|03

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1. Claims 1-19 examined.

2. It is hereby acknowledged that the following papers have been received and placed of record in the file: Preliminary Amendment, Supplemental Declaration, and a Request for a Corrected Filing Receipt were all received on 03/11/2002.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, U.S. Patent Number 5,896,496 (herein referred to as Suzuki) in view of Ahuja, U.S. Patent Number 5,752,185 (herein referred to as Ahuja).

5. Referring to claim 1, Suzuki has taught a method for transmitting sequential data to a wireless client, said method comprising:

    a. transmitting first portion of the sequential data during a first session with the client (Suzuki figure 13; column 11, lines 36-56); and

    b. transmitting a second portion of the sequential data at the commencement of a second session with the client, wherein the second portion sequential data begins substantially at the end of the first portion of the sequential data (Suzuki figure 13; column 11, line 57 – column 12, line 19).

6.   Suzuki has taught system only in the context of a wired network and has not disclosed the

system in the context of a wireless network. Ahuja has taught a disconnection management

system in the context of a wireless network. At the time the invention was made, it would have

been obvious to a person of ordinary skill in the art to utilize Suzuki's system also in the context

of a wireless network. One of ordinary skill in the art would have been motivated to do this

because the communication medium does not affect the functionality of Suzuki's system and as

wireless communication is nearly as widely used as wired communication it would have been

advantageous to utilize Suzuki's system via this communication medium as well.

7.   Referring to claims 2, 3, 15, and 16, Examiner takes Official Notice (see MPEP §

2144.03) that "transmitting a web page or a file " in a computer networking environment was

well known in the art at the time the invention was made. The Applicant is entitled to traverse

any/all official notice taken in this action according to MPEP § 2144.03. However, MPEP §

2144.03 further states "See also In re Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a

challenge to the taking of judicial notice must contain adequate information or argument to

create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)."

Specifically, In re Boon, 169 USPQ 231, 234 states "as we held in Ahlert, an applicant must be

given the opportunity to challenge either the correctness of the fact asserted or the notoriety or

repute of the reference cited in support of the assertion. We did not mean to imply by this

statement that a bald challenge, with nothing more, would be all that was needed". Further note

that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the

Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

8.   Referring to claim 4, Suzuki has taught the method wherein transmitting the first portion

further comprises:

        a.   receiving a request from the client to download the sequential data (Suzuki

column 6, lines 5-28); and

        b.   storing an identifier identifying said client, and a corresponding identifier

identifying said sequential data into a table (Suzuki figures 5-7; column 6, lines 65-67 which is

further explained in column 7, lines 1-31).

9.   Referring to claim 5, Suzuki has taught the method wherein transmitting the first portion

further comprises:

        a.   associating an identifier identifying amount of data received with the identifiers

identifying the client and the sequential data (Suzuki figures 5-7; column 6, lines 65-67 which is

further explained in column 7, lines 1-31);

        b.   receiving at least one data packet; and incrementing the identifier identifying the

amount data received with the total data of said at least one packet (Suzuki column 11, line 36 –

column 12, line 19).

10.   Referring to claim 6, Suzuki has taught the method wherein incrementing the identifier

identifying the amount of data received further comprises examining a payload portion of the at

least one data packet (Suzuki column 11, line 57 – column 12, line 19).

11.   Referring to claim 7, Suzuki has taught the method wherein transmitting the second

portion further comprises:

        a.   receiving a second request from the client to download the sequential data (Suzuki

column 6, lines 5-28; and column 11, line 57 – column 12, line 1); and

      b.   locating the identifier identifying the client, the sequential data, and the amount of data received (Suzuki figures 5-7; column 6, lines 65-67 which is further explained in column 7, lines 1-31).

12.   Referring to claim 8, Suzuki has taught the method wherein transmitting the second portion further comprises building a request for the second portion of the sequential data (Suzuki column 6, lines 5-28; and column 11, line 57 – column 12, line 1).

13.   Referring to claim 9, Suzuki has taught a method for transmitting sequential data to a client, said method comprising:

      a.   receiving a request for said sequential data from the client (Suzuki column 6, lines 5-28); and

      b.   searching a table, said table storing a plurality of records, wherein each record comprises an identifier identifying clients an identifier identifying sequential data, and an identifier identifying amount of data received (Suzuki figures 5-7; column 6, lines 65-67 which is further explained in column 7, lines 1-31).

14.   Suzuki has taught system only in the context of a wired network and has not disclosed the system in the context of a wireless network. Ahuja has taught a disconnection management system in the context of a wireless network. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Suzuki's system also in the context of a wireless network. One of ordinary skill in the art would have been motivated to do this because the communication medium does not affect the functionality of Suzuki's system and as wireless communication is nearly as widely used as wired communication it would have been advantageous to utilize Suzuki's system via this communication medium as well.

15. Referring to claims 10 and 18, Suzuki has taught the method further comprising building

a request for a portion of the sequential data wherein a particular record comprises an identifier

identifying the client, wherein the portion of the sequential data begins at an address in the

sequential data related to the amount of data received (Suzuki column 6, lines 5-28; and column

11, line 57 – column 12, line 1).

16. Referring to claims 11 and 19, Suzuki has taught the method further comprising:

wherein none the plurality of records comprises an identifier identifying the client,

storing a record comprising an identifier identifying the client, an identifier identifying the

sequential data, and an identifier identifying amount of data received (Suzuki column 7, lines 1-

31).

17. Referring to claim 12, Suzuki has taught a communications system for transmitting

sequential data to a wireless client, said system comprising:

a.   a wired network for receiving data packets from a content source and transmitting

the data packets to the network, wherein the data packets comprise the sequential information

(Suzuki figures 2-4; column 6, lines 5-28);

b.   a network for transmitting at least a first portion of the data packets to the wireless

client during a first session (Suzuki column 6, lines 5-28; column 11, lines 36-56; and figure 13);

and

c.   a switch for totaling amount of data in the portion of the data packets (Suzuki

figures 3 and 4, switch 11; column 6, lines 29-35).

18. Suzuki has taught system only in the context of a wired network and has not disclosed the

system in the context of a wireless network. Ahuja has taught a disconnection management

system in the context of a wireless network. At the time the invention was made, it would have

been obvious to a person of ordinary skill in the art to utilize Suzuki's system also in the context

of a wireless network. One of ordinary skill in the art would have been motivated to do this

because the communication medium does not affect the functionality of Suzuki's system and as

wireless communication is nearly as widely used as wired communication it would have been

advantageous to utilize Suzuki's system via this communication medium as well.

19. Referring to claim 13, Suzuki has taught the communications system wherein the

network transmits a second portion of the data packets to the switch during a second session,

wherein the second portion of data packets begin substantially the end of the first portion data

packets (Suzuki figure 13; column 11, line 57 – column 12, line 19).

20. Referring to claim 14, Suzuki has taught the communications system wherein the switch

further comprises a table for storing an identifier identifying the client, an identifier identifying

the sequential data, an identifier identifying the total amount of data in the portion of the data

packets (Suzuki figures 3 and 4, switch 11; column 6, lines 29-35; and figures 5-7; column 6,

lines 65-67 which is further explained in column 7, lines 1-31).

21. Referring to claim 17, Suzuki has taught a switch for transmitting sequential data, said

switch comprising:

   a.   first memory for storing plurality of records, wherein each record comprises an

identifier identifying wireless clients an identifier identifying sequential data, and an identifier

identifying amount of data received (Suzuki figure 3, element 14; and figures 5-7; column 6,

lines 65-67 which is further explained in column 7, lines 1-31);

b.   a second memory for storing a plurality of executable instructions (Suzuki,

elements 11 and 14; and column 6, lines 29-35), wherein the executable instructions comprise:

1.   receiving a request for said sequential data from the client (Suzuki column

6, lines 5-28); and

2.   searching the first memory for a record comprising an identifier

identifying the client (Suzuki figures 5-7; column 6, lines 65-67 which is further

explained in column 7, lines 1-31); and

c.   a processor for executing the plurality of executable instructions (Suzuki figure 3,

elements 10 and 11).

Conclusion

22.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Donahue et al., U.S. Patent Number 5,835,721, where it should be noted that the abstract and column 1, line 65 – column 2, line 9 clearly state that a system to withstand temporary connection interruptions would be equally useful in a wireless network as in a wired network.

23.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Collins whose telephone number is 703.305.7865. The examiner can normally be reached on Mon.-Fri. 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703.308.5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smc
September 29, 2004

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